



DOCKET NO. 1932.1110-001

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

In re Application of: Richard J. Fitzpatrick, Philip J. Goddard, Robert H. Barker, Jr., Keith K. Shackett and  
Jeffrey D. Klinger

Application No. 10/051,766

Filed: January 17, 2002

Confirmation No.: 5568

For: IONENE POLYMERS AND THEIR USE IN TREATING MUCOSITIS

The owner, Genzyme Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term (defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/051,765, filed on January 17, 2002) of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is empowered to act on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 12, 2004  
Date

  
Signature

Bart G. Newland  
Typed or printed name

Genzyme Corporation  
Name of Corporation

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Docket No. 1932.1110-001

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Inventors: Richard J. Fitzpatrick, Philip J. Goddard, Robert H. Barker, Jr., Keith K. Shackett and Jeffrey D. Klinger

Application No./Patent No.: 10/051,766 Filed/Issue Date: January 17, 2002

For: IONENE POLYMERS AND THEIR USE IN TREATING MUCOSITIS

Genzyme Corporation

(Name of Assignee)

corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or
- B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☐ An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: Richard J. Fitzpatrick, Philip J. Goddard, Robert H. Barker, Jr., Keith K. Schackett and Jeffrey D. Klinger  
To: GelTex Pharmaceuticals, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 012876, Frame 0626-0630, or a copy thereof is attached.
2. From: GelTex Pharmaceuticals, Inc. To: Genzyme Corporation  
The document was recorded in the United States Patent and Trademark Office at Reel 014022, Frame 0197-0207, or a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: May 12, 2004

Name: Bart G. Newland

Title: Managing Intellectual Property Counsel

Signature: Bart G. Newland